

REMARKS

The office action of August 20, 2008, has been carefully considered.

It is noted that claims 3-6, 8 and 9 are rejected under 35 U.S.C. 112, second paragraph.

Claims 1 and 5-10 are rejected under 35 U.S.C. 102(e) over the patent application of Darras et al.

Claims 2-4 are rejected under 35 U.S.C. 103(a) over Darras et al. in view of the patent to Namamachi.

In view of the Examiner's rejections of the claims, applicant has amended claims 1, 3, 4 and 8.

It is respectfully submitted that the claims now on file particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended the claims to address the instances of indefiniteness pointed out by the Examiner.

In view of these considerations it is respectfully submitted that the rejection of claims 3-6, 8 and 9 under 35 U.S.C. 112, second paragraph is overcome and should be withdrawn.

It is respectfully submitted that the claims presently on file differ essentially and in an unobvious, highly advantageous manner from the constructions disclosed in the references.

Pursuant to the invention it is possible to use a plastic material for the container that would not normally be suitable for storing the beverages due to the constituents contained in the wall of the container. Due to the inventive surface coating/barrier layer the transfer of harmful materials out of the plastic material into the packaged beverage is prevented.

In the references the barrier layer is used either prevent the entry of components of the surrounding air through the wall of the container into the packaged liquid, or to prevent flavorings held in the liquid from entering the wall of the container. There is no disclosure of a container having a coating provided so as to prevent harmful constituents from leaving the plastic material of the container wall and entering the beverage held in the container, as in the presently claimed invention.



**HKH-15**

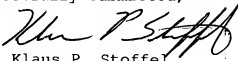
In view of these considerations it is respectfully submitted that the rejection of claims 1 and 5-10 under 35 U.S.C. 102(e) over the above-discussed reference is overcome and should be withdrawn.

Reconsideration and allowance of the present application are respectfully requested.

Any additional fees or charges required at this time in connection with this application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

By

  
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**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450, on November 20, 2008.

By:

  
Klaus P. Stoffel

Date: November 20, 2008